

### **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of March 12, 2004 is respectfully requested.

The Examiner rejected claim 30 under 35 USC § 112, second paragraph, as being indefinite. In particular, the Examiner asserted that the phrase “said at least two components of said damping device” lacks antecedent basis. This formal error arose due to the amendments made to independent claim 18 in the response filed February 20, 2004, and the Examiner is requested to note that the same issue applies to dependent claim 35. Consequently, dependent claims 30 and 35 have now been amended as indicated above to remove the phrase “at least two components” so that these dependent claims are consistent with previously-amended independent claim 18. As a result, it is respectfully submitted that the Examiner’s formal rejection of dependent claim 30 has now been overcome.

The Examiner rejected claims 18, 21-29, and 31-30 as being unpatentable over the Tamura reference (GB 2,245,158) in view of the Röck ’726 reference (USP 4,445,726); and rejected claims 19, 20, and 30 as being unpatentable over the Tamura reference, the Röck ’726 reference, and the Migliori reference (EP 556,613). However, these rejections are respectfully traversed. For the reasons discussed below, it is respectfully submitted that independent claim 18 and the claims that depend therefrom are clearly patentable over the prior art of record.

As previously explained in the Amendment filed February 20, 2004, independent claim 18 is directed to a guide fitting comprising a damping device *operable to dampen a relative motion between a center track and a drawer track and/or a relative motion between the center track and a support track*. As a result, the guide fitting allows complete extension of a drawer from, for example, the body of a piece of furniture. Furthermore, the arrangement of the damping device so that it dampens a relative motion between the center track and the drawer track and/or the center track and the support track allows the damping device to be hidden from view, even if the drawer is completely extended from the furniture body.

In the Office Action, the Examiner asserted that the Tamura reference discloses a drawer track and a support track, with a damping device for dampening a relative motion between the drawer track and the support track. The Examiner also noted that the Röck reference discloses a

drawer track, a support track attached to a body sidewall, and a center track arranged between the drawer track and the support track. However, the Examiner acknowledged that the Röck '726 reference does not disclose or suggest any damping device arranged with respect to the tracks. Thus, as explained in the remarks submitted with the Amendment filed February 20, 2004, neither the Tamura reference nor the Röck '726 reference discloses a damping device operable to dampen a relative motion between a center track and at least one of a drawer track and a support track. In other words, each of the combination of references lacks at least the above feature of claim 18.

Nonetheless, the Examiner asserted that the combination of the Tamura reference and the Röck '726 reference at least suggests such a feature because "it is well within the level of one skill in the art to rearrange existing components from one location to another to achieve various combination of interaction between the components." However, the Applicant strongly disagrees with the Examiner's assertion, as explained below.

As an initial matter, it appears that the Examiner is asserting that claim 18 is obvious because one of ordinary skill would be somehow motivated to rearrange the known elements disclosed in the Tamura reference and the Röck '726 reference in the manner recited in claim 18. However, it has of course long been established that the rearrangement of existing (or known) components can be patentable, despite the Examiner's apparent assertion to the contrary. See, e.g., *Grinnell Washing Machine Company vs. E. E. Johnson Company*, 247 U.S. 426, 38 S. CT. 547 (1918). In fact, many modern patentable inventions involve only a slight rearrangement or re-combination of known components. Thus, it is submitted that the Examiner's reasoning behind the finding of obviousness of the invention recited in claim 18 due merely to the rearrangement of existing components is inaccurate.

Moreover, in view of the teachings of the Tamura reference and the Röck '726 reference, it appears that, at best, the combination of the Tamura reference and the Röck '726 reference suggests arranging a damping unit so that the damping unit is operable to dampen a relative motion between a drawer track and a support track. The combination of references does not, however, suggest arranging a damping device so as to dampen a relative motion between a center track and a drawer track and/or between a center track and a support track. In this regard, aside from the overly broad

statement discussed above, the Examiner has not provided any support for his assertion that the combination of references would teach such an arrangement.

It has also been well established that there must be some motivation, suggestion, or teaching of the desirability of making the specific combination produced by the Applicant. See *In re Dance*, 160 F.3d 1339, 48 USPQ2d 1635 (Fed. Cir. 1998). Furthermore, the *specific* reasons why one of ordinary skill in the art would be motivated to select the references and to combine them in a manner so as to render the claimed invention obvious must be clearly set forth by the Examiner. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ 2d 1313, 1317 (Fed. Cir. 2000) (“particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed”). As noted above, however, the Examiner has only provided broad and inaccurate reasoning for asserting that the claimed invention as recited in independent claim 18 would be obvious in view of the combination of the Tamura reference and the Röck ‘726 reference. In other words, the Examiner appears to simply be using improper hindsight in order to arrive at the determination that the invention is obvious in view of the applied references.

As noted above, the Tamura reference and the Röck ‘726 reference do not disclose or even suggest a damping device that is operable to dampen a relative motion between a center track and at least one of a drawer track and a support track, as recited in independent claim 18. Furthermore, the Migliori reference also does not teach such a feature. Therefore, contrary to the Examiner’s assertion, it is submitted that one of ordinary skill in the art would not be motivated to modify or combine the references in a manner that would result in the invention recited in claim 18. Accordingly, it is respectfully submitted that independent claim 18 and the claims that depend therefrom are clearly patentable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

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